

MINUTES
BOARD FOR LICENSING HEALTH CARE FACILITIES
June 28, 2006

The Board for Licensing Health Care Facilities was called to order by Dr. Larry Arnold on June 28, 2006, commencing at 9:00 a.m.

Ms. Gammon called the roll to establish a quorum.

Dr. Larry Arnold, Chairman
Dr. James T. Galyon, Chairman Pro Tem
Dr. Duane Budd
Ms. Charlotte Burns
Ms. Elizabeth Chadwell
Mr. Alex Gaddy
Mr. Robert Gordon
Mr. C. Luke Gregory
Ms. Charlsie Lankford
Ms. Carissa Lynch
Ms. Annette Marlar
Dr. Joe T. Walker
Mr. Carlyle Walton
Mr. James Weatherington

Members not present:

Ms. Estelle Garner
Mr. Jim Hastings
Dr. Douglas Leahy
Ms. Nancy Peace
Dr. Ronald Staples
Dr. Jon Winter

Present and representing the Office of General Counsel:

Ms. Lucy Bond

Also present:

Ms. Katy Gammon, Director, Health Care Facilities
Ms. Wanda Hines, Board Administrator
Ms. Ann Thompson, Director, Board for Licensing
Ms. Faye Vance, East TN Regional Administrator
Ms. Shirley Jones, West TN Regional Administrator
Ms. Nina Monroe, Middle TN Regional Administrator
Mr. Bill Harmon, Director of Engineering

A quorum was established by roll call vote.

APPROVAL OF MINUTES

The first order of business was approval of the May 3, 2006 minutes.

A motion was made by Dr. Galyon and seconded by Mr. Gordon to approve the minutes as written.

Motion carried by voice vote.

REGULATIONS

Physician Orders for Scope of Treatment (POST) Form

A housekeeping issue was presented to the Board to complete the final filing process of the POST form rule. The Board approved the regulatory rule in February 2005 making the POST form a mandatory "Do Not Resuscitate" form for use in all health care facilities. The Board had tabled this action for the Attorney General's opinion on the ruling at that time. After receiving the Attorney General's opinion the Board met again. The Board should have forward the mandatory POST form for final filing but the Board did not complete this action. This is the reason this matter is brought up today to finalize by final filing the POST form and this amendment be forward at the same time to be put in the appendix as well.

Motion was made by Dr. Budd, and seconded by Mr. Gaddy to:

FINALIZE FOR FINAL FILING THE POST FORM WHICH WILL MAKE THE FORMS MANDATORY AND TO PUT IN THE APPENDIX.

Several board members had questions pertaining to the POST form and the forwarding of the form for final filing. Many board members questioned the form usage for different health facilities especially hospitals, as well as receiving treatment and other issues pertaining to the POST form. After several questions and answers amongst the board members and Katy Gammon, Director of Health Care Facilities the following action was taken.

Motion was made by Mr. Gordon, and seconded by Ms. Burns to:

TABLE THIS MATTER REGARDING THE POST FORM UNTIL THE NEXT BOARD MEETING WHICH IS SCHEDULED FOR AUGUST 2-3, 2006.

Motion carried by voice vote.

DISCUSSION

Contested Case Hearings – Regarding Sprinkler Compliance

Friendship Haven, Chattanooga
Lamar Home for the Aged, Memphis
Metro Community Care Home, Inc., Memphis
Sparta Residential Home, Sparta
Standifer Gap Assisted Living, Chattanooga
Parrish Care Home, Memphis

Administrative Law Judge, Rob Wilson was present and presided for the contested case hearing for Residential Home for the Aged facilities that were not in compliance with the sprinkler requirement. Ms. Lucy Bond, Attorney for the Office of General Counsel representing the Department was also present.

Two contested case hearings for residential homes for the aged facilities representatives were present. The representatives were from Standifer Gap Assisted Living of Chattanooga and Parrish Care Home of Memphis. Before the hearings began, Ms. Bond informed the judge of the continuances and motions to dismiss on other RHA facilities. Lamar Home for the Aged in Memphis and Friendship Haven in Chattanooga are in compliance with the sprinkler regulations. Metro Community Care Home in Memphis has a contract to get sprinklered but the State has not reviewed their plans, so the State asked for a continuance until the next board meeting which is August 2-3, 2006. Sparta Residential Home in Sparta asked for a continuance until the August 2-3, 2006 board meeting due to death in the family. The administrative law judge accepted and granted the requests.

Ms. Karen Fowler representing Standifer Gap was present. Ms. Fowler stated that she is the administrator for the Standifer Gap but she is not the owner. Mr. Patrick Donohue will be the new owner of Standifer Gap effective tomorrow. Ms. Fowler stated that the plans are to do a change of ownership and be licensed for 17 to 19 residents and install a sprinkler system. Questions were raised by the board members why Ms. Fowler did not submit her plans before now. Ms. Fowler stated she was waiting on funding for the sprinkler system because it was so costly. Funding has now been established for the facility to become sprinklered. Ms. Fowler stated she is aware she can only have residents on the first floor until the sprinkler system is installed.

Mr. Donohue explained what his plans for the sprinkler system for Standifer Gap. Mr. Donohue stated that he has estimates on a sprinkler system but he was not going to sign the contract until after he acquires ownership of the property which will become effective tomorrow. Mr. Donohue also stated he has submitted a letter of intent to sprinkle within 90 days. Mr. Donohue submitted a copy of the letter of intent for the board members to view. Mr. Donohue explained that he will be the owner and Ms. Fowler will be leasing the property from him as an actual assisted living or home for the aged.

Motion was made by Dr. Galyon, and seconded by Dr. Walker to:

ACCEPT THE FINDINGS OF FACTS THAT HAS SHOWN THAT STANDIFER GAP ASSISTED LIVING IS NOT IN COMPLIANCE WITH THE STATE LAW.

Motion carried by voice vote.

Further discussion with the board members results in the following action.

Motion was made by Dr. Walker, and seconded by Dr. Budd to:

A CONTINUANCE OF THIS HEARING WITH STANDIFER GAP ASSISTED LIVING UNTIL THE NEXT BOARD MEETING WHICH WILL BE NOVEMBER 1, 2006.

Motion carried by voice vote.

This order of continuance was submitted to the administrative law judge by Ms. Bond, Attorney for the Office of General Counsel.

The next contested hearing is with Parrish Care Home in Memphis. Ms. Dorothy Parrish, the respondent and owner was present. Ms. Parrish is planning to transfer her business from the present location to a location at 1659 Poplar in Memphis. All eleven (11) residents will be on the ground floor. Ms. Parrish stated her expected date would be by the 15th of July to be out of the old building. Ms. Parrish explained that it costs far more to put a sprinkler system in the existing building and that's why she is moving her business. Ms. Parrish stated that at this time she has residents on the first and second floors. The residents are ambulatory who are located on the second floor. Ms. Parrish also submitted copies of architectural drawing that she stated she also submitted to the Department of Health for approval for renovation. Most renovation will be cosmetic surgery and decorations. Ms. Parrish stated that the fire marshal explained to her that she needed to get the utilities turned on before the fire marshal can check on the electric smoke detectors. After several questions from the board members, Ms. Parrish stated until her plans for the new location is approved, she was willing to move the residents who are located on the second floor to the first floor. Allowance of more than two (2) to a room has been granted by the board until the facility move locales for ninety (90) days. Further discussion with the board members resulted in the following action.

Motion was made by Dr. Walker, and seconded by Dr. Budd to:

A CONTINUANCE OF THIS HEARING WITH PARRISH CARE HOME UNTIL THE NEXT SCHEDULED BOARD MEETING WHICH WILL BE NOVEMBER 1, 2006 AND THAT PARRISH CARE HOME CAN NOT ADMIT ANY MORE RESIDENTS AT THIS TIME.

Motion carried by voice vote.

This order of continuance was submitted to the administrative law judge by Ms. Bond, Attorney for the Office of General Counsel.

WAIVER REQUESTS

Ms. Gammon gave a brief summary of each of the following waiver requests:

HENDERSONVILLE NURSING HOME, LTD, HENDERSONVILLE

Mary Alice Stevenson, Administrator of this thirty-two (32) bed facility is requesting a waiver of the requirement for a full-time Director of Nursing. The facility has placed an ad in the paper but only one response. R.N.s in the facility is providing assistance but no one is interested in the full-time position.

Motion was made by Dr. Galyon, and seconded by Dr. Budd to:

A NINETY (90) DAY WAIVER WAS GRANTED TO ALLOW THE FACILITY TO OPERATE WITHOUT A FULL-TIME DIRECTOR OF NURSING UNTIL A DIRECTOR OF NURSING CAN BE HIRED.

Motion carried by voice vote.

BAPTIST HOSPITAL OF EAST TN TRANSITIONAL CARE, KNOXVILLE

Brue Chandler, Administrator of Baptist Hospital of East Tennessee is requesting an extension waiver of the requirement for a licensed nursing home administrator for this twenty (20) bed hospital-based skilled nursing facility until an administrator is hired. Ms. Jennifer Hanson who currently holds a license in Michigan is still in process of getting her license in Tennessee. Mr. Chandler is serving as acting administrator until Ms. Hanson receives her license in Tennessee.

Motion was made by Mr. Walton, and seconded by Ms. Burns to:

A NINETY (90) DAY EXTENSION WAIVER WAS GRANTED TO ALLOW THE FACILITY TO OPERATE WITHOUT A LICENSED NURSING HOME ADMINISTRATOR UNTIL AN ADMINISTRATOR CAN BE HIRED.

Motion carried by voice vote.

UNICOI COUNTY NURSING HOME, ERWIN

This forty-six (46) bed nursing home is requesting a waiver of the requirement for a licensed nursing home administrator until a replacement can be found. Mary Nell Lane, R.N., Director of Nursing has assumed temporary responsibility for the administration of the facility.

Motion was made by Dr. Walker, and seconded by Mr. Gordon to:

A NINETY (90) DAY WAIVER WAS GRANTED TO ALLOW THE FACILITY TO OPERATE WITHOUT A LICENSED NURSING HOME ADMINISTRATOR UNTIL AN ADMINISTRATOR CAN BE HIRED.

Motion carried by voice vote.

CONSENT CALENDAR

Motion was made by Mr. Walton and seconded by Dr. Galyon to:

APPROVE WAIVER REQUESTS ON THE CONSENT CALENDAR.

Motion carried by voice vote.

THE FOLLOWING NURSING HOME IS REQUESTING A WAIVER TO PROVIDE OUTPATIENT THERAPY SERVICES AS PROVIDED FOR BY BOARD POLICY #32:

Mountainview Rehabilitation & Nursing Center, Winchester

THE FOLLOWING FACILITY WAS GRANTED A WAIVER TO PROVIDE ADULT DAY CARE SERVICES IN ACCORDANCE WITH BOARD POLICY #32-A:

The Waterford in Sango, Residential Care for Seniors, Clarksville

THE FOLLOWING FACILITY IS REQUESTING APPROVAL TO PROVIDE A RESIDENTIAL HOME FOR THE AGED ADMINISTRATOR SERVE MORE THAN ONE (1) LICENSED FACILITY IN ACCORDANCE WITH BOARD POLICY #26:

Burton Court Assisted Care Living Facility, Nashville

With all business concluded, Dr. Arnold adjourned the meeting.

Respectfully submitted,

James T. Galyon, M.D.